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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,171	09/25/2003	Deb Goodew	47079.1.2	7008

22859 7590 09/21/2005

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EXAMINER

PATEL, TAJASH D

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/671,171	Applicant(s) GOODEW ET AL.	
	Examiner Tejash D. Patel	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zemke (US 5,056,159) in view of Loewer et al. (US 6,256,788). Zemke discloses a disposable bib (10) including a pre-cut sheet component (12) having an upper edge, a lower edge and first and second edges and a wearable component (14) having a front and back surface such that the wearable component is releasably disposed as a separate, sub-component within an area of the sheet component defined by the upper and lower edges and first and second edges thereof as shown in figures 2 and 3. Further, the wearable component includes an upper edge, a lower edge, first and second side edges and a neck cut-out along the upper edge generally midway between the first and second edges as shown in figure 1. Furthermore, the sheet component is sized and configured to function as a placemat as shown in figure 1. Also, adhesive strips (42) are secured to the bib as shown in figure 2. However, Zemke does not show the back surface of the wearable component being substantially coated with adhesive.

Loewer et al. (hereinafter Loewer) discloses a disposable bib (50) including a pre-cut sheet component (72) having an upper edge, a lower edge and first and second edges and a wearable component (60) having a front and back surface such that the wearable component is releasably disposed as a separate, sub-component as shown in figure 2b. Further, the wearable component includes an upper edge, a lower edge, first and second side edges and a neck cut-out along the upper edge generally midway between the first and second edges as shown in figures 2a, 2b and 2d. Furthermore, the back surface of the wearable component being substantially coated with adhesive (86) with a liner (94) disposed thereon as shown in figure 2b.

It would have been obvious to one skilled in the art at the time the invention was made to substitute the adhesive strips of Zemke with the back surface of the wearable component being substantially coated with adhesive as taught by Loewer as an alternative but equivalent means of securing/fastening the bib to the user as known in the art.

With regard to claims 6, 7 and 13, it would have been obvious to one skilled in the art that the sheet component of Zemke when viewed with Loewer can function as a tablecloth, or as a covering for a high chair tray as required for a particular application or end use thereof.

Art Unit: 3765

With regard to claims 8 and 12, it would have been obvious to one skilled in the art that the sheet component of Zemke when viewed with Loewer can be made of any material that was available at the time the device was made depending on the end use thereof.

With regard to claims 11, 20 and 22, it would have been obvious to one skilled in the art that the sheet component of Zemke when viewed with Loewer can be made of any decorative pattern, design, etc as a matter of design choice.

With regard to claim 15, it would have been obvious to one skilled in the art that the sheet component of Zemke when viewed with Loewer can be rolled, stacked, etc. by any conventional methods as known in the art or depending on the end use thereof.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Application/Control Number: 10/671,171
Art Unit: 3765

Page 5

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The fax phone number for this group is (703) 872-9306.

September 16, 2005

A handwritten signature in black ink, appearing to be 'Tejash Patel', with a long horizontal line extending to the right.

**TEJASH PATEL
PRIMARY EXAMINER**